

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

VIRGINIA GREAX

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
Thomas G. Krall
Krall Law Offices, PLLC
26640 Harper Avenue, St. Clair Shores, Michigan 48081

DEFENDANTS

CHIPOTLE MEXICAN GRILL, INC.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
David J. Stein and Christen J. McGlynn
Masuda, Funai, Eifert & Mitchell, Ltd.
203 North LaSalle Street, Suite 2500, Chicago, Illinois 60601

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)[Click here for: Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input checked="" type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 US 1441(b)

Brief description of cause:

Diversity

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 305,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

April 1, 2022

SIGNATURE OF ATTORNEY OF RECORD

/s/ David J. Stein

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

1. Is this a case that has been previously dismissed?

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes
☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

Notes :

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION**

VIRGINIA GRE AUX,)	
)	
Plaintiff,)	Case No.
)	
v.)	U.S. District Judge
)	
CHIPOTLE MEXICAN GRILL, INC.)	U.S. Magistrate Judge
and JOHN DOE, an individual,)	
)	
Defendants, jointly and severally.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1332, 1441, and 1446, Defendant Chipotle Mexican Grill, Inc. (“Chipotle”) files this Notice of Removal, removing a civil action titled *Virginia Greaux v. Chipotle Mexican Grill, Inc. and John Doe*, Case No. 22-00832, from the Circuit Court for the County of Macomb, Michigan, to the United States District Court for the Eastern District of Michigan, Southern Division. In support of this Notice of Removal, Chipotle states as follows:

BACKGROUND AND PROCEDURAL HISTORY

1. On or about February 25, 2022, Plaintiff Virginia Greaux (“Plaintiff”) filed a civil action against Chipotle in the Circuit Court of Macomb County, Michigan, captioned *Virginia Greaux v. Chipotle Mexican Grill, Inc. and John Doe*, and appearing on that court’s docket as Case No. 22-00082 (the “State Court Action”).
2. Chipotle was served with the Complaint and Summons for the State Court Action by certified U.S. Mail on March 7, 2022.
3. Plaintiff’s Complaint in the State Court Action alleges three causes of action against Chipotle, as follows: (1) Count I – Negligence; (2) Count II – Breach of Implied Warranty; (3) Count III—Statutory Violation of MCL 289.5101.

4. The following process, pleadings, and orders have been served thus far in the State Court Action, and pursuant to 28 U.S.C. § 1446(a), all of these documents are attached hereto:

- a. Plaintiff's Complaint, filed on February 25, 2022, attached as Exhibit 1.
- b. Plaintiff's Summons, served on March 7, 2022, attached as Exhibit 2.

PROPRIETY OF REMOVAL: DIVERSITY JURISDICTION

5. Plaintiff is a resident and citizen of the state of Michigan. (*See* Exhibit 1, ¶ 1).

6. Chipotle is a corporation organized under the laws of Delaware, with its principal place of business in the state of California. (*See* Declaration of XX, attached hereto as Exhibit 3).

7. The parties are all citizens of different States.

8. The amount in controversy in this action exceeds \$75,000.00 as demonstrated in Plaintiff's Demand Letter where she requests an award of \$305,000. (*See* Demand Letter, attached hereto as Exhibit 4).

9. "The amount in controversy is assessed as of the time the complaint is filed." *White v. Loomis Armored US, Inc.*, 729 F. Supp. 2d 897, 900 (E.D. Mich. 2010). District Courts across the Sixth Circuit have held that a demand letter can be "relevant evidence of the amount in controversy" if the demand "appears to reflect a reasonable estimate of the plaintiff's claim."¹ *Finnegan v. Wendy's Int'l, Inc.*, No. 2:08-CV-185, 2008 WL 2078068, at *3 (S.D. Ohio May 13, 2008); *see also, Intellitronix Corp. v. Fraker*, No. 1:19 CV 966, 2019 WL 13145626, at *2 (N.D. Ohio June 24, 2019) (holding a Demand Letter can satisfy the amount in controversy requirement when it "provides 'unambiguous information' that the amount in controversy in this case is over \$75,000").

¹ Chipotle denies Plaintiff is entitled to damages as alleged in her Demand Letter and incorporates the Demand Letter as an exhibit solely for the purposes of demonstrating this case exceeds the amount in controversy requirement.

10. This Court has original jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1332 because Plaintiff is a citizen of Michigan, Chipotle is not a citizen of Michigan, and the amount in controversy exceeds \$75,000.00.

11. Because this Court has original jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1332, Chipotle may remove the State Court Action to this Court pursuant to 28 U.S.C. § 1441(b).

VENUE

12. Venue for this removal action is proper in the United States District Court for the Eastern District of Michigan, Southern Division, because the territorial jurisdiction of this Court includes the Macomb County, Michigan, Circuit Court in which Plaintiff filed her Complaint.

13. Removal to this particular Court is therefore proper pursuant to 28 U.S.C. § 1446(a).

COMPLIANCE WITH REMOVAL PROCEDURES

14. Pursuant to 28 U.S.C. § 1446(a), all papers served on Chipotle in the State Court Action are being filed herewith.

15. The initial pleading in this matter is removable.

16. The Notice of Removal is timely filed within 30 days of service of the Complaint upon Chipotle, pursuant to 28 U.S.C. § 1446.

17. Chipotle will give Plaintiff written notice of the filing of this Notice of Removal pursuant to 28 U.S.C. § 1446(d) by serving her counsel of record with a copy of this Notice of Removal, inclusive of its attachments, by regular U.S. first class mail, postage prepaid.

18. Chipotle will promptly file a Notice of Filing of this Notice of Removal with the Clerk of the Macomb County, Michigan, Circuit Court, pursuant to 28 U.S.C. § 1446(d).

DATED this 1st day of April, 2022.

Respectfully submitted,

/s/ David J. Stein

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